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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,844	05/29/2001	Stein A. Lundby	QCPA614D1	8064

23696 7590 04/03/2006

QUALCOMM, INC  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

EXAMINER
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LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/867,844

Applicant(s)

LUNDBY ET AL.

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9 and 10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9, 10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is in response to the RCE filed on 01/10/2006. Accordingly, the amendment of 11/17/05 is now considered and entered. Claims 1 – 8 were cancelled and claims 9 and 10 are currently pending in the application.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Keashly et al. (U.S. Patent No. 6330289 B1).

Regarding claims 9, 10, Keashly et al. disclose the limitation of a method, an apparatus of limiting peak transmit power from a transmitter in a wireless communication system (Fig. 1, column 3, lines 45 – 54, recited cellular system as a wireless communication system, each channel element as transmitter, column 4, lines 64 – 65, limiting peak transmit power), comprising: selecting an individual time offset for each waveform of a plurality of waveform by determining which of a possible set of offsets is being used by a lowest number of waveforms (Fig. 2, right hand column; column 4, lines 32 – 56; recited “time offset (element 125) added to signal (element 120) in order to introduce a relative delay between symbol transition (element 112) of signal (element 110) and the symbol transition (element 112) of signal (element 12)” as an individual time offset for each waveform of a plurality of waveform); delaying each of the

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plurality of waveform in accordance with said individual time offset (Fig. 2, column 4, lines 35 – 51, recited “time offset 125 added to signal 120; another offset 135 added to signal 130” as delaying each of the plurality of waveform in accordance with said individual time offset; Fig. 5, column 5, lines 45 – 67, recited passed through a delay stage wherein a relative offset is added); combining said delayed plurality of waveforms for transmission from said transmitter to provide a minimum increase in the peak transmit power in one transmission time frame (Fig. 3, right hand column, column 4, lines 52 – 65, recited “the addition of time offsets 125 and 135 reduce the peak power requirement” as to provide a minimum increase in the peak transmit power in one transmission time frame).

#### *Response to Arguments*

4. Applicant's arguments filed 11/07/2005 with respect to claims 9 and 10 have been fully considered but they are not persuasive. Applicant argues Keashly does not teach the time offsets, such as  $t_0$ , or its multiple and is not limited to a symbol time period. Examiner contends that this argument is irrelevant since claims read “ an individual time offset “. Hence, Keashly discloses the imitation of time offset as disclosed in claims 9 and 10. However, the argument for the limitation of such as  $t_0$  or its multiple (provided by the applicant's remark dated 11/07/2005) was not disclosed and defined in the claims (see Applicant's Amendment to the claims 11/07/2005).

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

March 27, 2006

  
RICKY Q. NGO  
SUPERVISORY PATENT EXAMINER